

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CRIMINAL APPLICATION NO.1980 OF 2007

Rabin Kumar Das Applicant
Vs.
State of Maharashtra Respondent

Sarvasri Niranjan Mundargi i/b H.H. Nagi
for the Applicant.

Ms Usha Kejariwal, APP, for the Respondent.

CORAM: R.M.S. KHANDEPARKAR &
Smt. V.K. TAHILRAMANI, JJ.

DATED: OCTOBER 16, 2007

P.C:

Heard the learned Advocate for the applicant.
The applicant challenges the FIR No.63/2007, dated 18-5-2007, registered at the Daman Police Station, Daman. Undisputedly, the FIR on the face of it discloses the facts which reveal offence punishable under Section 380 r/w Section 34 of the IPC and, therefore, the same being a cognizable offence, no fault can be found with the police authorities having registered the FIR. However, it cannot be disputed that the applicant would be entitled to raise whatever objections he is entitled to raise in case the chargesheet is filed against him. But once it is apparent that the FIR discloses cognizable offence, it would not be appropriate to interfere therein and to

quash the same in exercise of power under Article 226 of the Constitution. In view of the fact that alternative efficacious remedy is available to the applicant, the petition is rejected. We make it clear that we have not expressed any opinion on the merits of the case.

(Smt.V.K.Tahilramani, J.)

(R.M.S.Khandeparkar, J.)

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